

**MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

**STENA HINKLE,  
APPELLANT  
vs.**

**A.B. DICK COMPANY,  
RESPONDENT**

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DOCKET NUMBER WD76952

DATE: JULY 8, 2014

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Appeal from:

The Labor and Industrial Relations Commission

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Appellate Judges:

Division Two: Victor C. Howard, Presiding Judge, Alok Ahuja, Judge and Gary D. Witt, Judge

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Attorneys:

Joseph K. Lewis, Jr., for Appellant

Julie Neese Sample, for Respondent

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**MISSOURI APPELLATE COURT OPINION SUMMARY**

**MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

**STENA HINKLE, APPELLANT**

**v.**

**A.B. DICK COMPANY, RESPONDENT**

WD76952

Labor and Industrial Relations

Before Division Two: Victor C. Howard, Presiding Judge, Alok Ahuja, Judge and Gary D. Witt, Judge

Stena Hinkle appeals from the Labor and Industrial Relations Commission's order denying a joint motion to settle and commute her weekly death benefits award into a lump sum. Mrs. Hinkle argues that the Commission misinterpreted and misapplied the law and exceeded its authority under section 287.390.1, RSMo Cum. Supp. 2013, in denying approval of the joint motion. She contends that the Commission was required to approve the settlement under section 287.390.1 because the settlement met the requirements under the statute.

**REVERSED AND REMANDED.**

**Division Two Holds:**

Where Mrs. Hinkle and employer/insurer entered into a voluntary agreement to commute her death benefits award into a one-time lump sum, the parties agreed and stipulated to a lump-sum amount of \$200,000, and the parties agreed that the settlement was not the result of undue influence or fraud and that Mrs. Hinkle understood her rights and benefits and the consequences of the settlement and voluntarily accepted the terms of the agreement, the recent case, *Nance v. Maxon Elec., Inc.*, 395 S.W.3d 527 (Mo. App. W.D. 2012), required that the Commission approve the settlement under section 287.390.1. The Commission erred as a matter of law in not approving the settlement. Thus, the order of the Commission is reversed, and the case is remanded to the Commission for its approval of the settlement agreement in this case.

**Opinion by: Victor C. Howard, Judge**

Date: July 8, 2014

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